

MINUTES
OF THE
JUNE 14, 2018 REGULAR MEETING



OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE JUNE 14, 2018 REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on May 17, 2018.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Dana Esparza, WCC Jennifer Reeves, WCC; Collin Fowler, WCC; Stormy Moore, WCC; Lindsey Christopher, WCC; Eric Russell, WCC; and Steve Weeks, Attorney at Law.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

Approval of Minutes

Chairman Liotta presented the minutes of the June 7, 2018, public meetings for approval.

Motion: Commissioner Tilly moved to approve the minutes of the June 7, 2018, public meeting.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

The motion carried.

1. Proposed Approval of Independent Medical Examiners and Medical Case Managers for the Commission

Title 85A O.S., § 112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IME). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured workers. The period of qualification for physicians shall be two (2) years.

Likewise for case managers, 85A O.S., § 113 requires a list of qualified case managers be developed, maintained and periodically reviewed by the Commission. The period of qualification for case managers is two (2) years.

Dr. Cannon was recognized, reported, made a recommendation to approve the IME List, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved approve the IME's and Nurse Case Managers.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

The motion carried.

2. Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers. All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

CFO Jennifer Moore was recognized, reported, recommended approval of the consent agenda, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve Consent agenda.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

3. Discussion and Consideration to Approve Proposed Annual Report

Per 85A O.S., § 25, the Commission shall submit to the Governor and the Legislature a report of the administration of the Administrative Workers' Compensation Act for the preceding annual period, together with such recommendations as the Commission may deem advisable.

The Commission considered approving the proposed annual report for submission to the Governor and the Legislature.

Legal Operations Director Eric Russell was recognized, reported, recommended approval of the consent agenda, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to move this agenda item to a special meeting date due to some grammar errors that need to be corrected.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

4. Discussion and Consideration of the Commission's Fiscal Year 2019 Budget

The Commission engaged in preliminary discussions and consideration of its proposed FY-19 budget.

Commission CFO Jennifer Reeves was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to approve the FY-19 Budget with any typographical errors corrected.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

5. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary and/or employment of Candidates A, B, C, D, E for the position of CFO; and for the purpose of discussing employment, evaluation, promotion, salary or performance of the following Commission personnel: (1) Compliance employees Ray Andrews, Kevin Trent, Virginia Forshee, Tosha Lowther, and incumbent employee, all subject to applicable approvals per Executive Order 2015-06

A. Motion and Vote to:

Proceed into Executive Session under Title 25 O.S. § 307(B)(1).

Motion: Commissioner Tilly moved to go into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

6. **Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary and/or employment of Candidates A, B, C, D, E for the position of CFO; and for the purpose of discussing employment, evaluation, promotion, salary or performance of the following Commission personnel: (1) Compliance employees Ray Andrews, Kevin Trent, Virginia Forshee, Tosha Lowther, and incumbent employee, all subject to applicable approvals per Executive Order 2015-06**

B. Motion and Vote to Reconvene in Open Session

Motion: Commissioner Tilly moved reconvene to open session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

7. **Motions Coming out of Executive Session**

Motion: Commissioner Russell moved to hire candidate B at the salary discussed in Executive Session.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

8. **Motions Coming out of Executive Session**

Motion: Commissioner Russell moved to adjust Tosha Lowery's salary to match that of her peers as discussed in Executive Session.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

9. Announcements

The Commission's next regularly scheduled appeals meeting is on June 15, 2018. The Commission's next special business meeting is on July 13, 2018. As corrected by Chairman Liotta.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried. The meeting adjourned.